

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15598 of Deborah A. Shields, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to establish a child development center of 50 children ages infant to four years and nine staff in the basement and first floor in an R-2 District at premises 1027 51st Street, N.E., (Square 5200, Lot 75).

HEARING DATE: November 20, 1991
DECISION DATE: November 20, 1991 (Bench Decision)

SUMMARY ORDER

The application was amended by the Board at the public hearing to eliminate the variance from the off-street parking requirement under Section 2101. The applicant stated the required two parking spaces could be provided in the rear yard.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 7C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of Advisory Neighborhood Commission (ANC) 7C. ANC 7C, which is automatically a party to the application, did not submit written issues and concerns relative to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The number of children shall not exceed fifty. The number of staff shall not exceed nine.

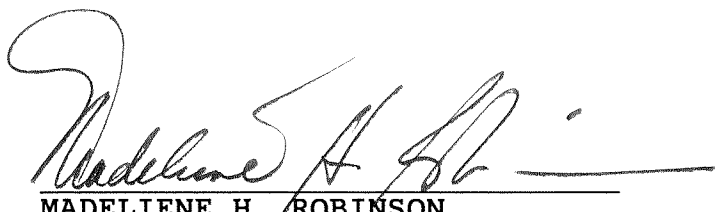
2. The hours of operation shall not exceed from 7:00 a.m. to 6:00 p.m., Monday through Friday.
3. The applicant shall provide two on-site parking spaces at the rear of the site.
4. Trash pick-up shall occur a minimum of twice per week.
5. The recreation space in the rear yard shall be fenced.
6. One staff member shall assist in the drop-off and pick-up of children.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Paula L. Jewell, Sheri M. Pruitt, John G. Parsons and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

NOV 26 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15598Order/SS/bhs

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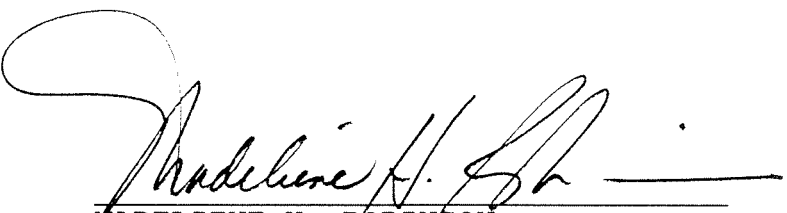


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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 26 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Deborah A. Shields
4209 Kinmount Road
Lanham, Maryland 20706

Mary Gaffney, Chairperson
Advisory Neighborhood Commission 7-C
4651 N.H. Burroughs Avenue, N.E.
Washington, D.C. 20019


MADELIENE H. ROBINSON
Acting Director

DATE: NOV 26 1991

15598Att/bhs